

Application: 10/795,835

Attorney Docket No. 030.P001

**REMARKS**

The current patent application has been reviewed in light of the Office Action, dated July 12th, 2005, in which: Claims 1-20 and 22-29 were rejected under 35 U.S.C. §102(b) as being anticipated by Kim, U.S. Patent No. 6,461,369 (hereinafter "Kim"), claim 1 was rejected under 35 U.S.C. §102(e) as being anticipated by Palmer, et al, U.S. Patent No. 6,579,281 (hereinafter "Palmer"), and claim 21 and 30-32 were rejected as being unpatentable over Kim under 35 U.S.C. §103(a).

Claims 1-32 are currently pending.

**Claim Rejections:**

Examiner cited Kim in rejecting each of claims 1 and 30 under 35 U.S.C. §102(b) and 35 U.S.C. §103(a) respectively. These rejections are respectfully traversed.

Applicant respectfully submits that Kim does not disclose all of the elements of claims 1 or 30. For example, Kim at least does not disclose "a tubular punch." The device of Kim appears to show in figures 2a-c a "needle 21" configured to receive a hair root for implantation into the scalp. The needle has a "groove 22" on the outer surface that is configured to engage with a "guide plate 24" that prevents damage to the hair roots upon implantation. Also, a "compression support unit 29" connected to a "compression unit 35" move a "sliding member 23" parallel to the needle [Kim, Col. 1 lines 1-45]. The needle 21 appears to be solid and does not appear to have any tubular structure. Nothing in the figures or description appear to disclose "a tubular punch." Therefore, Applicant respectfully requests that the Examiner withdraw his rejections to claims 1 and 30.

The Examiner rejected Applicant's claims 2-29 and 31-32. These rejections are respectfully traversed. Applicant respectfully asserts that these claims distinguish from Kim on at least the same or similar basis as claims 1 and 30. Therefore, Applicant respectfully requests that Examiner's rejection of claims 2-29 and 31-32 be withdrawn.

Examiner rejected claim 1 under 35 U.S.C. §102(e) as being anticipated by Palmer. This rejection is respectfully traversed.

Applicant respectfully submits that Palmer does not disclose all of the elements of claim 1. For example, Palmer at least does not disclose "a tubular punch." Figure 16 of Palmer appears to show a

Application: 10/795,835

Attorney Docket No. 030.P001

heart stabilizer device having a shaft and rod for connection with a port device for "through a port surgery" described at column 18, lines 15-19 as follows: "The shaft 402 and rod 404 are keyed (not shown) such that the rod cannot rotate relative to the shaft. A shaft lock 407 is provided about the shaft 402 and operates to lock the heart stabilizer 400 to a port device...and also permits locking the shaft 402 in numerous longitudinal and angular positions relative to the port device." Nothing in the description of figure 16 or the figure itself discloses "a tubular punch." Additionally, figure 17 depicts an exploded perspective view of the shaft lock 407 of the heart stabilizer of figure 16 [Palmer, col. 18, lines 21-44]. Nothing in figure 17 or the description of figure 17 discloses "a tubular punch." Further, figure 24 depicts the heart stabilizer in connection with the port device. Nothing in figure 24 or the description of figure 24 discloses "a tubular punch." Therefore, Applicant respectfully requests that the Examiner's rejection of claim 1 be withdrawn.

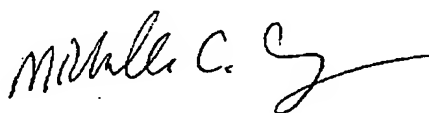
Application: 10/795,835

Attorney Docket No. 030.P001

**CONCLUSION**

In view of the foregoing, it is respectfully asserted that all of the claims pending in the current patent application are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500. Reconsideration of the current patent application and early allowance of all the claims is respectfully requested.

Respectfully submitted,



Michelle C Craig

Reg. No. 52,776

Dated:

c/o  
Berkeley Law and Technology Group  
1700 NW 167<sup>th</sup> Place, Suite 240  
Beaverton, OR 97006  
(503) 439-6500